

No. 14/13/87-6L ab./553.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad in respect of the dispute between the workman and the management of M/S. Mach Engineering Ltd., Faridabad *versus* Harish Chander.

IN THE COURT OF SHRI N. L. PRUTHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, FARIDABAD

Reference No. 275 of 89

In the matter of Industrial Dispute

Between

SHRI HARISH CHANDER C/O IFTU, G-162, INDIRA NAGAR,
SECTOR-7 FARIDABAD

Claimant

And

M/S MACH ENGINEERING (P) LTD., PLOT NO. 4, INDUSTRIAL
AREA, N.I.T. FARIDABAD

Management

Present : Authorised representative for the parties.

AWARD

Under the provisions of section 10(1) (c) of Industrial Disputes Act, 1947, the Government of Haryana have,—*vide* Endst. No. OV/FD/168-39/52795-800, dated 29th November, 1989 referred the following dispute between the parties mentioned above for adjudication :—

Whether the termination of services of Shri Harish Chander, is legal and justified. If not, to what relief he is entitled?

2. The matter has been settled between the parties. The workman has been paid an amount of Rs. 4000 in full and final settlement of his claim, by means bearer cheque, dated 20th September, 1994 drawn on Bank of Baroda. Statement of workman has also been recorded. No more dispute now survives in this case. An award is passed accordingly.

N. L. PRUTHI,

The 6th September, 1994.

Presiding Officer,
Industrial Tribunal-cum-Labour Court-I,
Faridabad.

Endorsement No. 3473, dated the 6th September, 1994.

A copy, with three spare copies, is forwarded to the Commissioner and Secretary to Government, Haryana, Labour Department, Chandigarh

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-cum-Labour Court-I,
Faridabad.

No. 14/13/87-6Lab./554.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad in respect of the dispute between the workman and the management of M/s Sarco Plastic Industries, Faridabad *versus* Vishwakarma.

IN THE COURT SHRI N. L. PRUTHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, FARIDABAD

Reference No. 169 of 91

In the matter of industrial dispute

between

SHRI VISHWAKARMA C/O IFTU OFFICE, G-162, INDIRA COLONY,
FARIDABAD

Claimant

and

M/S SARCO PLASTIC INDUSTRIES, PLOT NO. 382, SECTOR-24,
FARIDABAD

Management

Present :

Authorised representative for the parties.

AWARD

Under the provisions of section 10(1) of Industrial Disputes Act, 1947, the Govt. of Haryana have,—*vide* endst. No. OV/FD/71-91/18682 -87, dated 29th May, 1991, referred the following dispute between the parties above mentioned for adjudication :—

Whether the termination of services of Shri Vishwakarma, is legal and justified ? If not, to what relief he is entitled ?

2. The Matter has been settled between the parties. The workman has been paid an amount of Rs. 5000 in cash in full & final settlement of his claim. Statement of workman also recorded. No more dispute now survives in this case. An award is passed accordingly.

N. L. PRUTHI,

The 5th September, 1994.

Presiding Officer,
Industrial Tribunal-cum-Labour Court-I,
Faridabad.

Endorsement No. 3472, dated the 6th September, 1994.

A copy, with three spare copies is forwarded to the Commissioner and Secretary to Government of Haryana, Labour Department, Chandigarh.

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-cum-Labour Court-I,
Faridabad.

No. 141387-6Lab./555.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court I, Faridabad in respect of the dispute between the workmen and the management of M/S Amar Nath Bhaskar Sons & Bhaskar Stone ware, Pipes Limited Faridabad *versus* Ptware Lal.

IN THE COURT OF SHRI N. L. PRUTHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, FARIDABAD

Reference No. 246 of 92

IN THE MATTER OF INDUSTRIAL DISPUTE.

between

SHRI ITWARI LAL C/O SHRI DEVI SINGH, PRESIDENT NIRDHAN MUKTI MORCHA,
BASLEVA COLONY, CANAL ROAD, FARIDABAD .. *Claimant*

and

M/S AMAR NATH BHASKAR SONS & BHASKAR STONE-WARE, PIPES, PRIVATE
LIMITED, MATHURA ROAD, FARIDABAD .. *Management*

Persons:-

Shri Devi Singh Premi, authorized representative for the *claimant*.

Shri R. C. Sharma, authorized representative for the *management*.

AWARD

Under the provisions of section 10 (1)(c) of Industrial Disputes Act, 1947, the Government of Haryana have,—*vide* Endorsement No. 1D/FD/138-92/54195-200, dated 8th December, 1992 referred the following dispute between the parties above named for adjudication :—

Whether the services of Shri Itwari were terminated or he had abandoned the job by being absent and to what relief he is entitled ?

2. The case of the workman is that he was appointed as Sweeper on 2nd August, 1983 and his services were terminated on 15th May, 1992 without any notice and his last drawn wages were Rs. 972.75 per month. He has, therefore, requested for his reinstatement with continuity of service and payment of full back wages.

3. The case of the Management of M/s. Bhaskar Stone-ware Pipes Private Limited, by which written statement has been filed is that the name of the company viz, Amer Nath Bhaskar & Sons Pvt. Limited, was changed to Bhaskar Stone-ware Pipes Private Limited, about seven years back. According to Management the claimant had joined services on 1st April, 1989 and was habitual absentee. He had abdicated himself with effect from 21st February, 1992 and Management had sent him call letters. Thereafter, he had joined duty on 10th March, 1992. He had then worked upto 28th April, 1992 and again absented himself. He was also not available in quarters of the factory where he used to live. So, as per provisions of the standing orders, his names was removed from the muster roll of the factory with effect from 11th May, 1992. Further case of the Management is that he claimed to have come to the factory on 15th May, 1992 and gave an application that due to non-payment of salary in time he was unable to pull on and wanted to leave services. His resignation was accepted on the same date. So, according to Management it was a case not of termination but of voluntary abandonment.

4. In the rejoinder, facts stated in the demand notices have been reiterated while those in the written statement controvert it.

5. On the pleadings of the parties, following issues were framed:

- (1) Whether Shri Itwari resigned & abandoned his job or his services were terminated? OPP
- (2) If it is proved that Shri Itwari had not resigned then whether his termination was legal and justified. If not, to what relief he is entitled? OPM

6. I have heard authorised representative for the parties and perused material facts on record. My findings on each of the issues with reasons therefor are as under:

Issue No. 1 & 2.

7. Both the issues, being inter-connected are taken up together. K. B. Sharma examined as MWI stated that the claimant had tendered resignation Ex. M-6 which was accepted. At the time of tendering resignation, the claimant had told that the wages being paid were not sufficient to make his both ends meet. The witness also stated that the claimant had been paid his dues and that he had also vacated quarter of the factory in the Factory Colony. The witness denied that the signatures of the claimant were obtained on a blank paper which was then converted into letter of resignation. In his cross-examination, the claimant admitted that he had read Ex. M-1 resignation letter and the same was correct. He also admitted that he had left services because of non-payment of wages to him for two-three months. The claimant also admitted that he had tendered letter of apology Ex. M-3,—vide which he had requested the Management to excuse him for his having remained absent from 28th February, 1992 to 7th March, 1992. In this very document the claimant had given an assurance to the Management that in future he would not remain absent like this.

8. The admission made by the claimant above prove the contention of the Management that the workman had been habitual absentee and his name was rightly removed from the muster roll and that therefore the workman had himself made a request to relieve him of his duties as he did not want to serve the Management. In view of this all, it is held that the Management had not terminated the services of the claimant. Rather, he had first abandoned the job and thereafter resigned from the same. He is thus not entitled to any relief. An award is passed accordingly.

N. L. PRUTHI,

The 12th September, 1994

Presiding Officer,
Industrial Tribunal-Cum,
Labour Court-I, Faridabad

Endorsement No. 3504. Dated the 12th September, 1994.

A copy with three page copies, is forwarded, to the Commissioner and Secretary to Government Haryana, Labour Department, Chandigarh.

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-Cum,
Labour Court-I, Faridabad.